

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT

1. CONTRACT ID CODE

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2. AMENDMENT/MODIFICATION
0013. EFFECTIVE DATE
April 27, 1999

4. REQUISITION/PURCHASE REQ. NO.

5. PROJECT NO. (If applicable)

6. ISSUED BY

CODE

U. S. Department of Energy
Oak Ridge Operations Office
Procurement and Contacts Division, AD-423
Attn: Mary Lou Crow
P. O. Box 2001
Oak Ridge, TN 37831-8758

7. ADMINISTERED BY (If other than Item 6)

CODE

8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code)

(X)

9A. AMENDMENT OF SOLICITATION NO.

X

DE-RP05-99OR22725

9B. DATED (SEE ITEM 11)

April 12, 1999

10A. MODIFICATION OF CONTRACT/ORDER

CODE:

FACILITY CODE:

10B. DATED (SEE ITEM 13)

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATION

X The above numbered solicitation is amended as set forth in item 14. The hour and date specified for receipt of offers is extended. X is not extended.

Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods:

(a) By completing Items 8 and 15, and returning 2 copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required)**13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ ORDERS,
IT MODIFIES CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.**

(X)

A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT/ORDER NO. IN ITEM 10A.

B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation data, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).

C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:

D. OTHER (Specify type of modification and authority)

E. IMPORTANT: Contractor [X] is not, [] is required to sign this document and return copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/ MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

See Page 2

Except as provided herein, all terms and conditions of the document referenced in Item 9A and 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print)

16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)

15B CONTRACTOR/OFFEROR

15C. DATE SIGNED

16B. UNITED STATES OF AMERICA
BY
(Signature of Contracting Officer)

16C. DATE SIGNED

(Signature of person authorized to sign)

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The purpose of this amendment is to (1) add Clause H-45, Nonprofit Contractor, (2) add clause I-70 to the Table of Contents in Section I, (3) revise Section L-4 Proposal Preparation Instructions - General, and (4) modify Clause L-12, Requirement for Guarantee of Performance. All other terms and conditions remain unchanged.

- (1) The following clause is added to Section H:

H-45 Nonprofit Contractor

- (a) With respect to only the clauses listed in (b) below, the term "nonprofit contractor" means:
- (1) a university or other institution of higher education,
 - (2) an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1954 as amended and exempt from taxation under section 501(a) of the Internal Revenue Code,
 - (3) any nonprofit scientific or educational organization qualified as a nonprofit by the laws of the State of its organization or incorporation, or
 - (4) a combination of qualifying entities organized for a nonprofit purpose (e.g., partnership, joint venture or limited liability company) each member of which meets the requirements of (1), (2), or (3) above.
- (b)
- (1) H-43 Limitation on Liability
 - (2) I-111 970.5204-21 Property, paragraph j
 - (3) I-105 970.5204-13 Allowable Costs and Fee (Management and Operating Contracts) (Mar 1998) (Modified) (Deviation), paragraph (e)(36), (37), and (38)

- (2) The following clause is added to Section I, Table of Contents, and titled in Section I as follows:

I-70 Reserved

- (3) The following paragraph is added to Section L-4 Proposal Preparation Instructions - General, paragraph (a):

- (7) If the offeror is a nonprofit, for purposes of meeting the requirements of the clause in Section H entitled, "Nonprofit Contractor," the offeror must submit documentation verifying that the offeror meets the requirements for a nonprofit in accordance with the requirements of the above clause, e.g., articles of incorporation, etc. The standing of an offeror with respect to its nonprofit vs. profit status will not be an evaluation consideration.
- (4) In accordance with the Final Rule published in the **Federal Register** on April 6, 1999 (Volume 64, number 65) Clause L-12 is deleted in its entirety and the following clause is substituted therefor:

L-12 970.5204-89 Requirement for Guarantee of Performance (APR 1999)

The successful proposer is required by other provisions of this solicitation to organize a dedicated corporate entity to carry out the work under the contract to be awarded as a result of this solicitation. The successful proposer will be required, as part of the determination of responsibility of the newly organized, dedicated corporate entity and as a condition of the award of the contract to that entity, to furnish a guarantee of that entity's performance. That guarantee of performance must be satisfactory in all respects to the Department of Energy.

Note: This revision does not affect the requirements stated in Section H-10, Performance Guarantee.